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*Missão Permanente de Portugal*
*Genebra*

HUMAN RIGHTS COMMISSION

46TH SESSION

- ITEM 9 -

(Right to Self-determination)

Right of Reply

Mrs Marta Santos Pais, on behalf
of the Portuguese Delegation

Geneva, 2 February 1990

Madame Chairperson,

1. The portuguese delegation would like to take the floor in the exercise of its right of reply to the intervention delivered this morning by the distinguished representative of Indonesia.

In that intervention, a mention was made to General Assembly Resolution 31/53, of 1976, considered by that representative to be superseded.

That resolution rejected the integration of East Timor in Indonesia, considering that east timorese had not exercised their right to self-determination and independence.

Consequently, the Indonesia Government was asked, by this same resolution, to withdraw all its forces from that territory.

On the other hand, the Special Committee on decolonisation was asked to consider the situation on East Timor, aiming at the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted by Resolution 1514.

This Special Committee has since then mantained this question on its Agenda, and therefore examined the situation of East Timor. The same happened last month of August.

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The principle of the right to self-determination of the East Timorese and the recognition of Portugal as the administering power of that territory were reaffirmed by General Assembly Resolution 37/30, of 1982.

The Secretary General was then requested to "explore avenues for achieving a comprehensive settlement of the problem."

In the light of this resolution, there is an ongoing dialogue between Portugal and Indonesia, under the auspices of the Secretary General. Our intervention under item 9 shared this same constructive approach.

But, even if there is a need for mentioning recent resoltuions of the United Nations in the field of Human Rights, on the question of East Timor, one should recall Sub-Commission's resolution 1989/7, adopted last August, which in fact reaffirms the above mentioned principles.

Therefore, Resolution 31/53 cannot be considered under no ground, as superseded.

2. The distinguished representative of Indonesia also declared that, far from invading or occupying East timor, Indonesia was contributing to the process of decolonization.

But, if this was true, then Indonesia should have acted through the United Nations, and not in an unilateral and violent way.

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To accept the argument of the distinguished representative of Indonesia would lead us to jeopardise the United Nations system and the principles of international law.

We welcome the commitment expressed by the Indonesian delegation to continue to dialogue with Portugal, under the auspices of the Secretary General of the United Nations.

But we have to regret that even in this declaration there was a misleading information.

As a matter of fact, the Portuguese Parliament has never accepted the principle of a visit to Indonesia, but solely to the territory of East Timor.

Lastly, we would like to reiterate that we firmly believe in dialogue, as a viable mechanism to promote and protect human rights. This certainly applies to East Timor.